

SUMMARIES OF ATTORNEY GENERAL OPINIONS

The Secretary of State's Office is required to publish summaries of Attorney General Opinions under A.R.S. § 41-1013(B)(4). The following Attorney General Opinions were issued between January 1 and June 30, 2010. For copies of these opinions, call (602) 542-5025 or view them online at the Attorney General's web site:

<http://www.azag.gov/opinions/index.html>

Opinion number	Date of opinion	Opinion summary
I10-001	January 14, 2010	<p>Re: Whether Private Investigator Licensing Requirements Apply to Photo-Enforcement System Vendors</p> <p>A vendor contracting with the Department of Public Safety ("DPS") to provide a state photo-enforcement system is not required to meet the private investigator licensing requirements of Title 32, Chapter 24. Because a vendor need not be a licensed private investigator, the second question is moot.</p>
I10-002	January 15, 2010	<p>Re: Length of Term of Office for a Judge Elected After Governor Appoints Judge to Newly Created Division of the Superior Court</p> <p>In counties that have fewer than two hundred fifty thousand persons, the judge elected at the next general election serves a regular four-year term following the appointment of a judge to a newly created division of the superior court.</p>
I10-003	March 11, 2010	<p>Re: School Districts' Provision of Food, Beverages, or Refreshments to Staff and Parents</p> <p>The District may provide food, beverages, or refreshments to staff or parents who assist in governing board-authorized District activities after normal school hours or on weekends only where and to the extent the District is authorized to do so by the laws pertaining to travel and subsistence, gifts, grants (including federal grants), or devises. The District may also include terms regarding the provision on food, beverages, or refreshments in employment contracts with some limitations. Such expenditures must comply with the Gift Clause of the Arizona Constitution.</p>
I10-004	March 24, 2010	<p>Re: Reporting Requirements in A.R.S. §§ 1-501, -502</p> <ol style="list-style-type: none">1. The criminal sanctions for failing to report discovered violations of federal immigration law set forth in A.R.S. §§ 1-501(E) and -502(E) apply to all state and local employees reviewing documentation of benefit applicants and to those employees' supervisors.2. "Discovered violations" of federal immigration law under subsections E in A.R.S. §§ 1-501 and -502 are violations established by documented verification of a benefit applicant's illegal status or by verbal or written admissions by a benefit applicant of the applicant's illegal status.3. Discovered violations should be reported to the United States Immigration and Customs Enforcement ("ICE").

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I10-005	June 2, 2010	<p>Re: Resignation by State Employees Seeking Elected Public Office Pursuant to A.R.S. § 41-772</p> <p>Under A.R.S. § 16-311(H), one becomes a candidate for nomination or election upon the filing of nomination papers. Until that has occurred, a state employee has not become “a candidate for nomination or election to any paid public office” under A.R.S. § 41-772(B). The phrase “candidate for nomination” does not apply to an employee who is circulating his own petition because although doing so is a step toward becoming a candidate, that step is not sufficient under A.R.S. § 16-311(H) to cause one to actually become a candidate. Likewise, forming a campaign committee—which under A.R.S. § 16-903(A) and (B) is a prerequisite to circulating petitions—or forming an exploratory committee does not cause one to become a “candidate for nomination” for A.R.S. § 41-772(B) purposes.</p>
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